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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,147	04/20/2001	Zsolt Kun-Szabo	004770.00778	9518
22907 7590 03/25/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
CONTEE, JOY KIMBERLY				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
03/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/838,147

**Applicant(s)**

JANG ET AL

**Examiner**

JOY K. CONTEE

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 and 29-41 is/are allowed.
- 6) ☒ Claim(s) 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 12/17/07.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 21-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21, 24, 25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Rupp et al., (Rupp), US 6,144,464, recently discovered.

Regarding claims 21 and 25, Rupp discloses an apparatus comprising: a controller configured to receive an input of resource related information from another terminal (reads on query step see col. 10, lines 7-42), wherein the controller is further configured to negotiate a connection with the other terminal and subsequently to receive (or send) the information over the connection (reads on inner page negotiation step to adjust the data transmission rate and transfer or reception of facsimile data is attempted), wherein the apparatus comprises a wireless communication terminal (reads on wireless transceiver either interfaced via a cable or integrated with facsimile see col.

Art Unit: 2617

6lines 39-51) (see Fig. 2 and col. 5, line 66 to col. 6, line 18 and line 39- col. 7, line 5 and col. 8, line 37 to col. 10, line 42).

Regarding claims 24 and 28, Rupp discloses an apparatus and method as claimed claims 21 and 25 respectively, wherein the terminal is a cellular radio telephone (col. 6, lines 40-43).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupp, in view of Lee et al. (Lee), US 6,490,291, previously used.

Regarding claims 22 and 26, Rupp discloses an apparatus and method as claimed in claims 2 and 25, respectively, but fails to disclose wherein the controller is configured to operate in accordance with a wireless application protocol.

In a similar field endeavor, Lee discloses wherein the controller is configured to operate in accordance with a wireless application protocol (col. 5, line 14 to col. 6, line 21).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Rupp to include WAP for the purpose of allowing communication via the internet in the wireless transceiver.

6. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupp, in view of Luna et al. (Luna), US 2002/0123335, previously used.

.Regarding claims 23 and 27, Rupp discloses an apparatus and method as claimed in claim 22, but fails to explicitly disclose wherein the controller is arranged to receive the resource related information via a push command.

In a similar field of endeavor, Luna discloses wherein the controller is arranged to receive the resource related information via a push command (page 2 [0017] and page 3 [0025]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Lee to include push technology for the purpose of initiating provisioning for enhancement of a mobile device.

#### ***Allowable Subject Matter***

7. Claims 1-20 and 29-41 are allowed.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOY K. CONTEE whose telephone number is (571)272-7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/Joy K Contee/

Patent Examiner, Art Unit 2617

/Charles N. Appiah/

Supervisory Patent Examiner, Art Unit 2617